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FEB - 2 2006

United States District Court

for the

District of AlaskaUNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**Petition for Warrant or Summons for Offender Under Supervised Release** Deputy

Name of Offender: Eldridge Bradley, Jr. Case Number: A03-0088-01 CR (RRB)
Sentencing Judicial Officer: Ralph R. Beistline, U.S. District Court Judge
Date of Original Sentence: October 10, 2003
Date of Revocation Sentence: July 27, 2006
Original Offense: Conspiracy, 18 U.S.C. § 371
Original Sentence: 9 months custody and 3 years supervised release; special conditions
Revocation Sentence: 6 months custody and 2 years supervised release; special conditions
Date Supervision Commenced: December 15, 2006
Asst. U.S. Attorney: Crandon Randell Defense Attorney: Richard Curtner

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervised release:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	The defendant has violated the Mandatory Condition of Supervision "The defendant shall refrain from any unlawful use of a controlled substance," in that the defendant submitted to urinalysis testing which proved positive for cocaine on January 29, 2007. This violation is a Grade C violation.

U.S. Probation Officer Recommendation:

The term of supervised release should be:

- ☒ Revoked
☐ Extended for _____ year(s), for a total term of _____ years.

- ☐ The conditions of supervised release should be modified as follows:

Petition for Warrant or Summons

Name of Offender : Eldridge Bradley, Jr.

Case Number : A03-0088-01 CR (RRB)

Respectfully submitted,

REDACTED SIGNATURE

Michael Pentangelo
Senior U.S. Probation Officer
Date: February 1, 2007

Approved by:

REDACTED SIGNATURE

Eric D. Odegard
Supervising U.S. Probation Officer

THE COURT ORDERS

☒ The **WARRANT FOR ARREST** be delivered to the U.S. Marshal's Service; and the petition, probation officer's declaration, and a copy of the warrant shall be sealed in the Clerk's file and disclosed only to the U.S. Attorney for their official use, until the arrest of the offender. The petition for supervised release revocation is referred to the Magistrate Judge for initial appearance/preliminary hearing(s). The evidentiary hearing, if any, will be before the Magistrate Judge only upon consent; otherwise the evidentiary hearing will be before the undersigned District Court Judge.

☐ The issuance of a summons. The Petition for Supervised Release revocation is referred to the Magistrate Judge for initial appearance/preliminary hearing(s). The evidentiary hearing, if any, will be before the Magistrate Judge only upon consent; otherwise the evidentiary hearing will be before the undersigned District Court Judge.

☐ Other:

REDACTED SIGNATURE

Ralph R. Beistline
U.S. District Court Judge

2/1/07
Date

Supervised Release Cases: Pursuant to 18.U.S.C. § 3401(I), the sentencing District Court may designate a Magistrate Judge to conduct hearings to modify, revoke, or terminate supervised release, including evidentiary hearings, and to submit to the Court proposed findings of facts and recommendations, including disposition recommendations.

Probation Cases: Pursuant to *United States v. Frank F. Colacurcio*, 84 F.3d 326, a Magistrate Judge has the authority to conduct a probation revocation hearing **only if** the following three conditions are satisfied: (1) the defendant's probation was imposed for a misdemeanor; (2) the defendant consented to trial, judgment, and sentence by a Magistrate Judge; and (3) the defendant initially was sentenced by a Magistrate Judge. Therefore, a District Court **may not** designate a Magistrate Judge to conduct revocation hearings on probation cases where a District Court was the sentencing Court.

United States District Court
for the
DISTRICT OF ALASKA

UNITED STATES OF AMERICA

vs.

Eldridge Bradley, Jr.

Case Number: A03-0088-01 CR (RRB)

DECLARATION IN SUPPORT OF PETITION

I, Michael Pentangelo, am the U.S. Probation Officer assigned to supervise the Court-ordered conditions of supervised release for Eldridge Bradley, Jr. , and in that capacity declare as follows:

On October 10, 2003, the defendant was sentenced to nine months custody and three years supervised release with special conditions for drug treatment and testing; search/seizure; full financial disclosure; and \$40,452.47 restitution. This sentence followed a conviction for Conspiracy, in violation of 18 USC 371.

The defendant commenced supervised release on July 2, 2004.

On October 21, 2005, the defendant's substance abuse testing condition was modified as follows, "The defendant shall refrain from any unlawful use of controlled substances and shall submit to one drug test within 15 days of release on supervision and at least two periodic drug tests thereafter, not to exceed 12 tests per month, at the direction of the probation officer" to be in compliance with USA v. Stephens.

On July 27, 2006 the defendant's supervised release was revoked and he was sentenced to 6 months custody and 2 years supervised release with the same special conditions as previously imposed. This sentence followed a violation of supervised release for multiple uses of cocaine.

The defendant re-commenced supervised release on December 15, 2006.

The defendant submitted a urine specimen on January 29, 2007 which proved positive for cocaine. The defendant adamantly denied cocaine use when questioned. The specimen was forwarded to Kroll Laboratories and confirmed positive for cocaine on February 1, 2007.

Executed this 1st day of February, 2007, at Anchorage, Alaska, in conformance with the provisions of 28 U.S.C. § 1746.

I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

REDACTED SIGNATURE

Michael Pentangelo
Senior U.S. Probation Officer